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February 13, 2025

VIA ECF

Hon. Anthony J. Brindisi
United States District Judge
U.S. District Court, Northern District of New York
Alexander Pirnie Federal Building & U.S. Courthouse
10 Broad St.
Utica, NY 13501

**Re: Miller-Harris v. County of Onondaga, et al.
Civil Action No. 9:22-cv-01363-AJB-DJS**

Dear Judge Brindisi:

On behalf of Defendants, I send this in follow-up to the joint status report filed on February 12. Unfortunately, hours after I filed the joint status report, I learned that my liability expert, Peter Perroncello, suffered a massive stroke. He is presently non-verbal and in serious condition.

Defendants previously served expert disclosure including a report from Mr. Perroncello, and of course intended to call him to testify at trial. Because of his stroke and medical condition, he will no longer be able to serve as Defendants' expert. Consequently, Defendants will need to retain a new liability expert and serve an amended expert disclosure/report.

Defendants recognize discovery ended on December 31 and that the Court would likely be setting a trial date soon given the recent status report. Because of the foregoing circumstances out of Defendants' control, however, Defendants respectfully request reasonable time to retain a new expert and serve an amended disclosure, and that the trial date account for these needs. Defendants are optimistic and hopeful that a new expert can be secured within the next 30 days and that an amended disclosure can be furnished within a reasonable period thereafter. Plaintiff elected not to take a deposition of Mr. Perroncello, but Defendants would of course be amenable to allowing Plaintiff the opportunity to conduct any expert discovery available under the Federal Rules in connection with any amended disclosure served by Defendants.

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Due to the urgency of the circumstances, Defendants did not confer with Plaintiff's counsel before submitting this letter, as we felt it would be most efficient to promptly apprise the Court and Plaintiff's counsel simultaneously. Defendants would welcome a conference if the Court feels it is appropriate to discuss this further. Otherwise, Defendants respectfully request the opportunity to secure a new expert and serve amended disclosure within a reasonable period.

We thank the Court for its time and consideration.

Respectfully,

A handwritten signature in black ink, appearing to read 'TJ DeBernardis', with a large, stylized flourish at the end.

Thomas J. DeBernardis

CC: all counsel of record via ECF